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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/511,969
Filing Date: May 06, 2005
Appellant(s): ROELLEKE ET AL.

Gerard A. Messina
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on July 14, 2008 and the supplemental appeal brief filed August 28, 2008 appealing from the Office action mailed September 13, 2007.

(1) Real Party In Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any other related appeals, interference, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Boards' decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments after Final

The appellant's statement of the status of amendments after final rejection contained in the supplemental brief is correct.

(5) Summary of Claimed Subject Matter

The appellant's statement of the summary of the claimed subject matter is correct.

(6) Ground of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be viewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contains in the Appendix to the brief is correct

(8) Evidence Relied Upon

U.S. 6,315,074 B1

Achhammer et al.



(9) Grounds of Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 17, 19, 20, 25, 27, 29, 30, 32, 33, 35, and 36 are rejected under 35 U.S.C. 102 (a) as being anticipated by Achhammer et al. (US 6315074B1).

Regarding claims 17 and 25, the reference to Achhammer et al. has been provided as teaching a system for generating a triggering signal for a restraining unit a vehicle, the restraining unit provided for the event of a collision of the vehicle comprising: an impact detection unit detecting an impact of the vehicle wherein in the event of an impact, the impact detection unit generates a request signal for the restraining unit the request signal corresponding to an impact that has been detected (Achhammer et al., abstract; column 5, lines 4-16), a rotation detection unit detecting a rotational motion of the vehicle about at least one of the longitudinal axis and the transverse axis of the vehicle, wherein the rotation detection unit generates a status signal corresponding to a rotational motion status (Achhammer et al., abstract, figure 1, rotation sensor detects rotation motion of the vehicle about longitudinal axis). Achhammer et al. further teaches a circuit generating the trigger signal for the restraining unit, wherein the circuit combines the request signal and the status signal in

generating the triggering signal, whereby information regarding one of a possible occurrence and the existence of a rotational motion is considered in triggering the restraining unit, and wherein the circuit includes at least one hold element determining a period of time during which no triggering signal may be generated when a critical rotational motion of the vehicle has been detected (Achhammer et al, the microcontroller (3) generates triggering signal based on the signal from rotation sensor (1) and inclination sensor (2), the triggering device blocks an activation of an occupant device if inclination sensor indicates a tilted position of the vehicle).

As to claims 19 and 27, Achhammer et al. teaches that an angular position is detected by the inclination sensor (2), and when the vehicle in the condition of rollover, the angular position exceeds a defined threshold value (Achhammer et al, column 5, lines 15-21).

As to claim 20, Achhammer et al. teaches an arrangement predicting a rollover, and wherein a critical rotational motion of the vehicle is deemed to exist when a rollover is predicted (Achhammer et al., figure 1; column 5, lines 28-44, the triggering circuit 3 does all the work to figure out the rotation of the vehicle).

As to claims 29, 30, 32, 33, 35, and 36 Achhammer et al. teaches that the restraining unit is blocked from being triggered when the rollover is detected (Achhammer et al. abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21-24, 28, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Achhammer et al. (US 6315074B1) and in view of Watson et al. (US 20020152012A1).

As to claims 21, 24, and 28, Achhammer et al. teaches the limitations as recited in claim 20 except for "arrangement predicting a rollover is configured to detect and

analyze an instantaneous angular velocity of the vehicle, and wherein a rollover is predicted when the instantaneous angular velocity exceeds a second threshold value.

Watson et al. teaches a vehicle rollover detection system in which the angular velocity is compared with a threshold value and therefore to determine the status of rollover of the vehicle (Watson et al, paragraph 0083).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle system as taught by Achhammer et al. to include the teaching of angular velocity as taught in Watson et al. to achieve the maximum protection for the vehicle occupant when the serious rollover is determined when an accident occurs.

As to claim 22, 23, 31, and 34, the Achhammer et al. teaches that triggering device blocks an activation of the occupant device when the inclination signal indicates a tilted position of the vehicle lasting longer than a predetermined time interval.

(10) Response to Argument

In appealing the examiner's rejections of claims 17, 19, 20, 25, 27, 29, 30, 32, 33, 35, and 36, as anticipated by Achhammer et al., the Appellants do not present any arguments for claims 19, 20, 25, 27, 29, 30, 32, 33, 35, and 36. Thus, the examiner select claim 17 as the representative claim to be discussed for the 102(a) rejection.

The Applicants' claim 17 recites a system for generating a triggering signal for a restraining unit in a vehicle comprising a circuit generating the triggering signal for the restraining unit, wherein the circuit includes at least one hold element determining a

period of time during which no triggering signal may be generated when a critical rotational motion of the vehicle has been detected.

As being consistent with appellant's specification, a circuit is used for generating a triggering signal which combines the request signal (i.e., signal provided by the inclination sensor) and status signal (i.e., signal provided by the rotation sensor), wherein the circuit includes a hold element causes restraining means to be blocked for a period of time in the event of impact.

In light of the Appellants' descriptions above, the Appellants argued that nothing in the Achhammer et al. reference identically discloses (or even suggests) a circuit that includes at least one hold element determining a period of time during which no triggering signal may be generated when a critical rotational motion of the vehicle has been detected, as provided for in the context of claim 17. Furthermore, the Appellants' arguments that "Achhammer et al. merely refers to a triggering circuit that blocks activation signals for an unspecified amount of time. Specifically, the Achhammer reference only indicates that the triggering circuit blocks activation signals when a vehicle remains in one position for an amount of time exceeding a preset threshold value" (see supplemental appeal brief, pages 10, and 11). The examiner has found that the triggering circuit (3) in the form of a micro-controller receives the output signal of the rotation sensors (1) and the inclination sensor (2), and switches over into a state of activation readiness when the rate of rotation measured by the sensor (1) and/or when the output signal, integrated over a specific time interval, of the rate-of-rotation sensor (1) exceeds a specific a specific threshold value, which in each case signals the risk of

a motor vehicle rollover. The triggering circuit (3) is configured to check the time response of the output signals of the rotations sensor (1) and the inclination sensor (2). And in a critical rotation motion of the vehicle, if the inclination sensor (2) generates a longer term signal for more than a specific time interval of, for example, 1 to 10 minutes, the triggering circuit (3) blocks the activation of the occupant protection system in order to prevent endangering the persons participating in the tilting back movement and/or still located in the vehicle. For that reason, the triggering circuit (3) in the form of micro-controller is necessary to include a hold element for determining a period of time during which no triggering signal may be generated in order to blocks the activation of the occupant protection system. It is clear that when a critical rotational motion of the vehicle has been detected, namely when the inclination sensor (2) generates a longer term signal for more than a specific time interval as mentioned above, the triggering circuit (3) determines a period of time that blocking signal is generated to block activation of the protection system.

Claim 25 includes features similar to those of claim 17. The reason of the rejection of claim 25 is the same as the rejection of claim 17.

Claims 21-24 are dependent on claim 17. As discussed herein above, Achhammer et al teaches a system for generating a triggering signal for a restraining unit in a vehicle comprising a circuit generating the triggering signal for the restraining unit, wherein the circuit includes at least one hold element determining a period of time during which no triggering signal may be generated when a critical rotational motion of the vehicle has been detected. Achhammer et al. merely fails to disclose the limitation

"arrangement predicting a rollover is configured to detect and analyze an instantaneous angular velocity of the vehicle, and wherein a rollover is predicted when the instantaneous angular velocity exceeds a second threshold value". Watson et al. teaches a vehicle rollover detection system in which the angular velocity is compared with a threshold value and therefore to determine the status of rollover of the vehicle (Watson et al, paragraph 0083). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle system as taught by Achhammer et al. by substituting the teaching of angular velocity as taught in Watson et al. to achieve the maximum protection for the vehicle occupant when the serious rollover is determined when an accident occurs.

Claims 28, 31, and 34 depend from claim 25. Claims 28, 31, and 34 are remained rejected for the same reason as set forth above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interference section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

Tuan C To (Examiner) /TT/

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Primary Examiner of Art Unit 3663/3600

November 19, 2008